

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF PROPOSED RULEMAKING

TITLE 17, CALIFORNIA CODE OF REGULATIONS

ADDITION OF DIVISION 4, SECTION 96100

PESTICIDE ILLNESS REPORTING

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish regulations describing the data fields for reporting known or suspected pesticide-related illness or injury by adding Section 96100, Division 4, to Title 17 of the California Code of Regulations.

PUBLIC PROCEEDINGS

A public forum to present oral comments will be scheduled only upon request. Such request must be submitted in writing no later than 30 days before the close of the comment period on Monday, October 23, 2006. The written request must be sent to OEHHA at the address listed below no later than Friday, September 22, 2006. A notice for the public forum, if one is requested, will be posted on the OEHHA Web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification.

Any written statements or arguments regardless of the form or method of transmission must be received by OEHHA by 5:00 P.M. on October 23, 2006, which is hereby designated as the close of the written comment period.

Written comments regarding this proposed action may be submitted by email, mail or fax addressed to:

Joy Wisniewski
Office of Environmental Health Hazard Assessment
Pesticide and Environmental Toxicology Branch
P. O. Box 4010, MS 12B
Sacramento, California 95812-4010
FAX: (916) 327-7320 Telephone: (916) 327-7324

Comments sent by courier should be delivered to:

Joy Wisniewski
Office of Environmental Health Hazard Assessment
1001 I Street, 12th Floor
Sacramento, California 95814

Comments transmitted via email should be addressed to: jwisniew@oehha.ca.gov.

CONTACT

Please direct inquiries concerning the substance and processing of the action described in this notice to Joy Wisniewski, in writing at the address given above, or by telephone at (916) 327-7324. Robert Schlag is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2624.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code section 105200 requires physicians to report known or suspected pesticide poisonings to the local health officer (LHO) by telephone within 24 hours. The LHO then notifies the county agricultural commissioner of the case and submits a report within seven days to the Office of Environmental Health Hazard Assessment (OEHHA), the Department of Pesticide Regulation (DPR), and for work-related cases, to the Department of Industrial Relations (DIR). The law authorizes OEHHA to establish the form and content of the information to be used by the LHO to report the poisoning. The proposed regulatory action will define the information to be collected by the LHO and specify the technical means for reporting the data to the state. By having defined data fields, the LHO can guide the reporting physician on the types of information they should be acquiring from their patients. Collection of standardized data variables will allow for more efficient data exchange among local and state agencies.

Physicians and LHOs currently voluntarily use the OEHHA form entitled “Pesticide Illness Report” [OEHPETS 004(Rev. 6/01), also called PIR] to report pesticide illnesses to state agencies. However, regulations requiring the use of specific data variables for reporting purposes have not previously been promulgated.

AUTHORITY

Health and Safety Code Section 105200

REFERENCE

Health and Safety Code Sections 105200

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

OEHHA has determined the proposed regulatory action would not impose a new mandate on local agencies, as local health officers currently are required to report pesticide illnesses to the state. The proposed regulatory action will assist physicians and local health officers by requiring the use of standard reporting data variables. OEHHA has determined the proposed regulatory action would not impose any mandate on school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES

OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

OEHHA is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

OEHHA has determined that the proposed regulation will not affect small business. The proposed regulation imposes pesticide illness reporting requirements on local government agencies.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

OEHHA considered alternatives to listing the required data variables, specifically, referencing a set form in regulation. OEHHA believes that the proposed approach would more effectively meet the needs of the LHO and state programs, and would be more consistent with a performance-based regulatory approach.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the critical information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons and a copy of the text of the regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and who request notification from OEHHA of availability of such changes. Copies of the notice and the changed regulation will also be available at the OEHHA's Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above. The Final Statement of Reasons will also be available at the OEHHA's Web site at www.oehha.ca.gov.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Val Siebal, Chief Deputy Director

Dated: August 29, 2006